



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/843,885 | 04/30/2001 | Manuel Gonzalez | 60006756-1 | 1164 |

7590 07/17/2006

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

BRIER, JEFFERY A

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2628

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/3/2006 has been entered.

Response to Amendment

2. The amendments filed on 5/3/2006 have been entered.

Response to Arguments

3. The 5/3/2006 amendment to the claims overcomes the rejection based upon Oberg and Sakai.

Specification

4. The disclosure is objected to because of the following informalities: at page 11 lines 1 and 3 steps 310-322, 330, and 332 are listed, however, the following description in the specification does not describe step 328, thus, step 328 should be added to the list of steps that "will not be set forth herein".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1, 6-8, 11, 13, 15, 16, 24-29, 32, and 34-40 are rejected under 35

U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1, 8, 11, 24, 35, 36, 39, and 40 were amended to make reference to wall dimensions and wall color of a mounting background. The originally filed specification did not correlate "mounting background" or "mounting surface" to a wall, wall dimensions and wall color. Mounting background, mounting surface, and wall as well as wall dimensions and wall color are described at different paragraphs of the specification. Mounting background is discussed at page 7 lines 12-14, page 9 line 12 to page 10 line 2, and originally filed claims 4-7, 14, 15, 21, and 22. Mounting surface is discussed at page 6 lines 9-16, page 9 lines 1-11, page 11 lines 8-19, and page 12 lines 12-18. Wall size is discussed at page 10 lines 9-21. Wall and wall color is discussed at page 4 line 19 to page 5 line 5 and page 10 lines 9-21. Using a wall as a screen for the projector is discussed at page 8 lines 3-11 and originally filed claim 4. A mounting background, a mounting surface, and a wall are different things. Thus, the originally

Art Unit: 2628

filed specification did not correlate mounting background or mounting surface with a wall, wall dimensions and wall color. Accordingly the claims need to be amended to consistently use claim terminology when claiming applicants invention and to used terminology conveyed by the originally filed specification.

Claim 34:

This claim claims to the mounting background simulate a physical structure, which, was not described in the originally filed specification.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1, 6-8, 11, 13, 15, 16, 24-29, 32, and 34-40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1:

At line 5 display of the image is claimed while at line 7 projecting the image is claimed. Since display and projecting are different it is not clear if the projecting of the wall color and wall dimensions and frame color or style are the same or different.

Claim 8:

This claim does not clearly claim the aesthetic engine program enables the terminal to provide decorator information. Currently the claim is claiming a program for providing decorator information.

Claim 11:

At lines 8-10 "to selected" is claimed and at lines 4-7 attributes are claimed but selection is not claimed. Since "to selected" refers to a step of selecting and this step is not present in the claim, then, "to selected" lacks antecedent basis in the claim.

Claim 24:

Claims 24 and 34 contradict each other because the physical structure of claim 34 broadens the wall color and dimensions of claim 24. Claim 24 does not clearly claim to project via the means for projecting the wall color and wall dimensions of the mounting background due to the word "having".

Claim 36:

Claim 36 at lines 13-14 does not clearly claim projecting the wall color and wall dimensions of the mounting background and the style or color of the frame due to the word "having".

Claim 38:

Claim 38 at line 5 does not clearly claim projecting the matte color and the image of the matte due to the word "having".

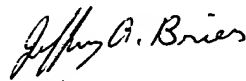
Claim 39:

Claim 39 at lines 13-14 does not clearly claim projecting the wall color and wall dimensions of the mounting background and the style or color of the frame due to the word "having".

9. A prior art rejection cannot be made because the metes and bounds of the claims are not definite and because the specification does not support the claims. Thus, an indication of allowability would be premature. In re Steele, 305 F.2d 859,134 USPQ 292 (CCPA 1962) (it is improper to rely on speculative assumptions regarding the meaning of a claim and then base a rejection under 35 U.S.C. 103 on these assumptions).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A Brier whose telephone number is (571) 272-7656. The examiner can normally be reached on M-F from 7:00 to 3:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (571) 272-7664. The fax phone Number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jeffery A Brier
Primary Examiner
Division 2628